

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

GOJO INDUSTRIES, INC.,

Plaintiff,

v.

INNOVATIVE BIODEFENSE, INC.; and
AQUARIUS GLOBAL ENERGY
PARTNERS, LLC,

Defendants.

Case No. 15-cv-2946 (PAC)

**SUPPLEMENTAL DECLARATION OF
COLETTE COZEAN IN SUPPORT OF
DEFENDANT INNOVATIVE
BIODEFENSE, INC.'S REPLY IN
SUPPORT OF MOTION FOR CHANGE
OF VENUE PURSUANT TO 28 U.S.C. §
1404(a)**

Judge: Hon. Paul A. Crotty
Ctrm.: 14C

SUPPLEMENTAL DECLARATION OF COLETTE COZEAN

I, Colette Cozean, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am competent to testify to the facts contained in this declaration and I have personal knowledge of all matters set forth herein and to authenticate the documents attached hereto or incorporated herein as exhibits. I make this declaration in support of Defendant Innovative BioDefense, Inc.'s ("IBD") Reply in Support of Motion for Change of Venue Pursuant to 28 U.S.C. § 1404(a).

2. I am and have been the Chief Executive Officer of IBD since 2011. IBD is the manufacturer of Zylast®, a line of persistent antimicrobial products.

3. As the Chief Executive Officer for IBD, I am responsible for assisting with the development of hand sanitizer and soap products manufactured and sold by IBD, named

Zylast®. I am also involved in reviewing the design of the laboratory and clinical trials and technical and marketing information and presenting and infection control and national meetings.

4. Gary Klein serves as the Chief Operating Officer for IBD. Mr. Klein is not involved in the formulation and creation of advertising or marketing for IBD's products.

5. IBD's principal place of business is, and always has been, in Orange County, California. The company's current address is 21581 Midcrest Drive, Lake Forest, California 92630. IBD does not have, and has never had, an address in New York. IBD has never had a lease for a facility in New York, and never acquired a lease for a facility in New York.

6. Gojo's arguments fail to account for the fact that its false and misleading advertising to IBD's customers concerning Zylast and this litigation, has already resulted in a significant downturn (80-90%) in revenues during the current fiscal quarter. IBD currently has approximately \$55,000 in liquid cash assets.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 24, 2015, at Lake Forest, California.


Colette Cozean, Ph.D.